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Attorneys for Defendant
NATERA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

GUARDANT HEALTH, INC.,

Plaintiff,

vs.

NATERA, INC.,

Defendant.

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CASE NO. 3:21-CV-04062-EMC

**NATERA, INC.'S NOTICE OF *EX PARTE*
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER AND
MEMORANDUM IN SUPPORT
THEREOF**

1 TO PLAINTIFF/CROSS-DEFENDANT GUARDANT HEALTH, INC. AND ITS COUNSEL
2 OF RECORD:

3 PLEASE TAKE NOTICE that on a date and time to be assigned by the Court, in the
4 courtroom of the Honorable Edward M. Chen at the United States District Court for the Northern
5 District of California, 450 Golden Gate Avenue, San Francisco, California, Defendant/Cross-
6 Complainant Natera, Inc. (“Natera”) move this Court for a temporary restraining order (“TRO”) and
7 order to show cause re: a preliminary injunction against Plaintiff/Cross-Defendant Guardant Health,
8 Inc. (“Guardant”).

9 This application is made pursuant to Rule 65 of the Federal Rule of Civil Procedure and Local
10 Rule 65.1 of the Local Rules of the United States District Court for the Northern District of California.
11 It is based on Guardant’s new “Product Launch” marketing campaign, in which its substantially
12 expanded marketing team makes false and misleading statements regarding the performance of
13 Reveal, a tumor-naïve cancer screening. If Guardant continues to disseminate this false and
14 misleading information, Natera will be irreparably harmed, including through the loss of customers,
15 sales, business opportunities, costs, and through harm to its goodwill and reputation. Additionally, if
16 Guardant continues to make these false and misleading statements, the public will be harmed, as
17 physicians will be misled into believing Reveal is more effective than it is. Since the misinformation
18 includes mischaracterizing false negative and false positive rates, patient physical and emotional
19 health is at stake.

20 Natera therefore seeks a TRO prohibiting the continued dissemination of false and misleading
21 statements by Guardant, and an order to show cause why a preliminary injunction should not be issued
22 against Guardant identical to the TRO sought.

23 Natera’s motion is based on this notice of motion and supporting memorandum of points and
24 authorities, the supporting declarations of Victoria Maroulis, Alexey Aleshin, the accompanying
25 exhibits to those declarations, Natera’s proposed order, as well as other written or oral argument that
26 Natera may present to the Court.

1 Notice of this motion and the requested relief were previously given to Guardant, including
2 by email to Guardant's counsel, Saul Perloff of Norton Rose Fulbright US, LLP. (See Maroulis
3 Declaration ¶ 22.)
4

5 DATED: July 20, 2021

Respectfully Submitted,

6 QUINN EMANUEL URQUHART &
7 SULLIVAN, LLP
8

9 By /s/ Kevin P.B. Johnson

10 QUINN EMANUEL URQUHART &
11 SULLIVAN, LLP

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